

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**CHERISE M. WILLIAMS,**

**Plaintiff,**

**v.**

**JO ANNE B. BARNHART,  
Commissioner of  
Social Security,**

**Defendant.**

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**Civil Action No. 05-00191-CG-B**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated October 20, 2005 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown, it is **ORDERED** that Defendant's "Motion and Memorandum for Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant" (Doc. 14) be and hereby is **GRANTED** and that this action is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g), so that the Administrative Law Judge ("ALJ"): 1) may conduct a hearing in accordance with 20 C.F.R. § 416.1429, in which Plaintiff has the opportunity to testify; 2) will update the records from Plaintiff's treating medical sources and obtain a current orthopedic examination with x-rays and a medical source statement about what Plaintiff can do despite her impairment; and 3) will further evaluate Plaintiff's subjective complaints, obtain evidence from a medical expert, an orthopedist specialist, at the hearing, obtain supplemental evidence from a

vocational expert, if needed, and address any specific limitations Plaintiff may have on using her upper extremities.

This remand, pursuant to sentence four of Section 405(g), makes Plaintiff a prevailing party for purposes of the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. Shalala v. Schafer, 509 U.S. at 297-298, 300-302 (1993).

**DONE** this 14<sup>th</sup> day of November, 2005.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE